

REMARKS

Claims 1-5 and 7-19 are now pending in the application. Claim 6 was previously cancelled without prejudice. By this paper, Applicant has amended claims 1, 3-5, 7-16, and 18. The specification and claims have been amended to refer to the various portions of the retainer and sleeve as "legs." Further, the claims and specification have been amended to define the retainer and sleeve as being "metal." Applicants note that the drawings as originally filed depict the retainer and sleeve as having a "metal" cross-hatching, therefore, the drawings provide adequate description for this amendment. No new matter has been added by this paper. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

INTERVIEW SUMMARY

Applicant thanks the Examiner for the courtesies extended to Applicant's representative during a personal interview conducted on December 16, 2009. During the interview, the Examiner's interpretation of the claims and prior art were discussed.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Angelo et al. (U.S. Pat. No. 6,170,992; hereinafter "Angelo").

Claim 7 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Romero et al. (U.S. Pat. No. 5,186,472; hereinafter "Romero").

These rejections are respectfully traversed.

Claim 1

At the outset, Applicant notes that claim 1 has been amended and recites in part “a metal retainer having a first axially extending leg slidably mounted directly to the second axially extending leg of said metal sleeve in a radial interference fit and having a second leg adapted to mount to the second member and a third leg engaging said radially extending leg of said metal sleeve...”. Support for the amendment to claim 1 can be found throughout the application as filed, at least on page 4, lines 10 – 23 and Figures 1-2. Applicant respectfully submits that Angelo fails to disclose such a metal retainer as claimed in claim 1.

Angelo discloses a rotating seal unit having a first metallic insert 19 with a radially extending portion 22 and an axially extending portion with a peripheral extension 27. The axially extending portion and the peripheral extension 27 together form part of an axially extending groove 24. A non-rotating seal unit has a second metallic insert 15 with a **rubber sealing covering 16 that includes a rubber circumferential relief 23** extending radially inward towards the axially extending groove 24. Relief 23 is a separate element from insert 15 and is constrained in an **axial** direction by peripheral extension 27 and a radial surface 26 when the two units are coupled together before being assembled between faces of a roller bearing. Angelo is otherwise silent as to any axially extending portion of insert 15 (or even radial relief 23) being mounted to any member of the rotating unit in a radial interference fit prior to assembly to the bearing.

Accordingly, Applicant respectfully submits that Angelo fails to disclose or suggest a metal retainer having a first axially extending leg slidably mounted **directly** to

the second axially extending leg of the metal sleeve in a radial interference fit. Rather, Angelo discloses metallic insert 15 and a separate rubber seal covering 16 with a radially inwardly extending rubber relief 23, both of which are positioned between the insert 15 and the peripheral portion 27 of insert 19. In this regard, Applicant notes that metallic insert 15 cannot contact peripheral extension 27, much less be **directly** mounted in a radial interference fit with peripheral portion 27 or any other portion of insert 19. Applicant further submits that the rubber seal covering 16 is a separate and distinct element from metallic insert 15 and can not properly be construed as the metallic insert.

Applicant further submits that Angelo fails to disclose or suggest the metal retainer having a third leg that engages the radially extending leg of the metal sleeve. As noted above, Angelo discloses a metallic insert 15, characterized in the Office Action as the retainer, which includes an axially extending portion proximate the peripheral portion 27 and a radial portion mounted to a seal having lips 17 and 18. Angelo is otherwise silent as to any radially extending leg engaging a radially extending leg of the metallic insert 19. In this regard, Applicant notes that the radially extending portion of insert 15 is spaced apart by design from the radially extending portion of insert 19 by at least sealing lips 17 and 18. See Angelo at Figure 1.

Based on the foregoing, Applicant respectfully submits that independent claim 1 is patentably distinguishable over Angelo and is therefore in condition for allowance. Regarding claims 2-5 and 13-18, these claims depend directly or indirectly from independent claim 1 and are believed to be in condition for allowance for at least the reasons set forth above.

Claim 7

With regard to the rejection of claim 7, Applicant notes that claim 7 has been amended and recites in part "...a seal supported by a metal retainer, the metal retainer including a first axially extending leg which is mounted directly to an axially extending surface of the metal sleeve in a radial interference fit...". Support for the amendment to claim 7 can likewise be found throughout the application as filed, at least on page 4, lines 10 – 23 and Figures 1-2. Applicant respectfully submits that Romero fails to disclose such a retainer as claimed in claim 7.

Romero discloses a shaft seal 10 having a first metal casing 12 and a second metal casing 14. First casing 12 has a flange portion 28 ending in a tip 52. An elastomeric seal body 40 is bonded or molded to a radially extending flange portion 36 of second casing 14. **Seal body 40 includes an elastomeric bumper portion 50** that engages tip 52 of casing 12 and prevents flange 28 from making metal-metal contact with flange portion 36 of second casing 14. During operation, tip 52 slices a groove and embeds itself into bumper portion 50. See Romero at col. 4, lines 62-65.

Accordingly, Applicant respectfully submits that Romero fails to disclose a seal supported by a metal retainer, with the metal retainer including a first axially extending leg which is **directly** mounted to an axially extending surface of the metal sleeve in a radial interference fit. Rather, Romero discloses a radially extending flange 36 of the casing 14 and an elastomeric seal 40, not a retainer, which is mounted to flange 36. Further, Romero discloses that the bumper portion 50 of seal 40 (and not casing 14) engages tip 52 of flange 28. Applicant submits that elastomeric seal 40 is disclosed as a separate and distinct element from metallic casing 14, and seal 40 can not properly be

characterized as casing 14. In this regard, Applicant further submits that Romero fails to disclose any axially extending leg of casing 14 that is **directly** mounted to an axially extending leg of casing 12, as clearly shown in Figures 1-3 of Romero.

Based on the foregoing, Applicant respectfully submits that independent claim 7 is patentably distinguishable over Romero and is believed to be in condition for allowance. The Examiner is therefore respectfully requested to reconsider and withdraw the rejection of claim 7 and claims 8-12 which depend therefrom.

ALLOWED CLAIM

Applicant thanks the Examiner for the indication that claim 19 is allowable.

CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Applicant believes that no fee is due, however, the Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

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